

Exhibit 5

Lex Lumina PLLC

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December 21, 2021

VIA EMAIL

Gerald J. Ferguson
Baker & Hostetler LLP
45 Rockefeller Plaza
New York, NY 10111

Re: Response to your letter of Dec. 16, 2021

Dear Mr. Ferguson,

My firm represents Mason Rothschild, and I am writing in response to your letter of Dec. 16, 2021, in which you assert that Mr. Rothschild's artistic depictions of imagined Birkin handbags violate Hermès trademark rights.

Hermès's claims are without merit. Mr. Rothschild isn't creating Birkin bags or handbags that look like Birkin bags. Rather, he has created artistic works depicting imaginary, fur-covered Birkin bags; *i.e.*, he has created fanciful illustrations that comment on those bags and on the Birkin brand.

The First Amendment gives Mr. Rothschild every right to depict in art his own interpretation of things that exist in the world, and to comment on them. Whether Hermès likes it or not, that includes Birkin bags. Trademark law recognizes and gives effect to the artistic freedom that the First Amendment guarantees.

Because Hermès's claims are meritless, any suit filed by your client in California will be met with an anti-SLAPP defense. When we prevail in such a proceeding, your client will be required to pay our costs and attorneys' fees. The foregoing does not purport to be a full or complete statement of the facts or of Mr. Rothschild's rights and remedies, all of which he expressly reserves.

Thank you for your attention.

Sincerely,



Christopher J. Sprigman

Cc: Mark McKenna
Rhett Millsaps
Rebecca Tushnet